

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3729 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

KELAVANI MANDAL

Versus

STATE OF GUJARAT & OTHERS

Appearance:

MR HAROOBHAI MEHTA Sr.Advocate with Instructing
Counsel Mr. Ketan H.Dave for the Petitioner
MR HL JANI for the respondents.

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 10/09/96

ORAL JUDGEMENT

1. Heard learned counsel for the parties. The petitioner, a public trust, filed this writ petition before this Court challenging therein the resolution dated 5-7-1983 passed by the respondent no.3 and the order dated 13-7-1983 under which it declined to continue the recognition of the Education institution run by the petitioner for the academic year 1983-84. The resolution dated 5-7-1983 though has been challenged in this

petition, but the petitioner has not produced on the record the said resolution. In the absence of the resolution, it is difficult to appreciate the challenge made by the petitioner and similarly in the absence of the same, it is difficult for this court to quash and set aside the same. The resolution dated 5-7-1983 is impugned order and as such, a copy of the same has to be filed otherwise this court will not be in a position to quash and set aside the same. A reference in this regard may have to the decision of the Supreme Court in the case of Surinder Singh vs. Central Government reported in A.I.R. 1986 S.C. 2166.

2. The counsel for the petitioner submits that the respondent no.3 now allowing all the institution to run within its jurisdiction, but as the petitioner's institution for all these years was running under the interim relief of this court, the respondent no.3 may not pass any adverse order. The order dated 13-7-1983 was only in respect of the year 1983-84 and that academic session has been completed by the institution long back. The institution would have started its academic work this year also and as such, the school has to continue for this academic year also. Now the question will arise only for the academic year 1997-98 and that matter has to be considered afresh by the respondent no.3.

3. The interest of justice will be met in case this Special Civil Application is disposed of with the direction to respondent no.3 to decide afresh the question of continuation of recognition of the institution run by the petitioner for the academic year 1997-98 with a period of four months from the date of receipt of certified copy of this order. In case, the respondent no.3 considers that the recognition of the school cannot be continued for the academic year 1997-98 then before making such an order, the petitioner shall be given an opportunity of hearing, and a reasoned order may be passed.

4. This Special Civil Application is disposed of in the aforesaid terms. Rule is discharged accordingly with no order as to costs.

zgs/-